



Entered on Docket
December 31, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

Electronically Filed on _____

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U.S. Bank National Association, as Trustee for Credit Suisse First Boston HEAT 2004-8
09-77564

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Johnna L. Arnold

Debtor.

BK-S-09-30310-lbr

Date: 12/1/2009

Time: 1:00 pm

Chapter 7

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor U.S. Bank National Association, as Trustee for Credit Suisse First Boston HEAT 2004-8, its assignees and/or successors in interest, of the subject property, generally described as 6881 Tamarus St., Las Vegas, NV 89119, and legally described as follows:

A CONDOMINIUM COMPOSED OF:

PARCEL I (COMMON AREAS):

An undivided 1/24th interest as tenant-in-common in Common Areas in PHASE 4 OF SUNSET BAY CONDOS, as shown by map "Plat" thereof on file recorded August 16, 1990, in Book 47, page 7 and by Certificate of Amendment recorded March 22, 1991 in Book 910322 of Official Records, Clark County Nevada Records, as Document No. 00833, Clark County, Nevada Recorder:

EXCEPTING THEREFROM the following:

All Living Units and Association Common Areas shown in Phase 4 of SUNSET BAY CONDOS of the Plat.

AND RESERVING THEREFROM:

The right to possession of all those areas designated as Restricted Common Area; as shown upon the Condominium Plat referred to above;

AND FURTHER RESERVING THEREFROM for the benefit of the owners of condominiums in Phases 1-3, 5 and 6, non-exclusive easements on, over and across the Common Areas as defined and shown upon the ,Plat referred to above for ingress, and recreational use, subject to the terms as set forth in the Declaration of Covenants, Conditions and Restrictions recorded on October 4, 1990 in Book 901004, as Instrument No. 00287, Clark County, Nevada, Recorder, to which reference is hereafter made.

PARCEL II (LIVING UNIT):

Living Unit Two Hundred Three (203) in Building Thirteen (13), as shown upon the Condominium Plat referred to above.

PARCEL III (EXCLUSIVE USE AREA):

1 The exclusive right to use, possession and occupancy of those portions of the Common Areas,
2 being described upon the Plat as Balconies, Patios, Stairways/Landings, chimney, and assigned
3 covered parking P13-203 (Exclusive Use Areas), which are appurtenant to and for the Exclusive
4 use of Parcel II.

4 **PARCEL IV (PHASED AREAS):**

5 A non-exclusive easement for ingress, egress and recreational use, on, over, and under the
6 Common and Association Common Areas in Phases 1-3,5 and 6, which easement is appurtenant
7 to Parcels I, II, and III described above. This easement shall be effective only until recordation
8 prior to expiration of right to annex of a Declaration of Annexation declaring the Phases 1-3, 5
9 and 6 to be subject to the Declaration to which reference is hereafter made or a separate
10 Declaration, which requires the owners of condominiums in said subsequent phases to be
11 members of the Association.

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2 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor shall
3 give Debtor at least five business days' notice of the time, place and date of sale.

4 DATED this _____ day of _____ 2009

5 Submitted by:

6 **WILDE & ASSOCIATES**

7 By: Gregory L. Wilde, Esq.

8 **Gregory L. Wilde, Esq.**

9 Attorney for Secured Creditor

208 South Jones Boulevard

Las Vegas, Nevada 89107

10 APPROVED / DISAPPROVED

11 By: _____

12 Lisa J. Garofalo

1020 Garces Avenue

13 Las Vegas, NV 89101

14 Attorney for Debtor(s)

15 Nevada Bar No: _____

16 APPROVED / DISAPPROVED

17 By: _____

18 William A. Leonard

6625 S. Valley View #224

19 Las Vegas, NV 89119

20 Chapter 7 Trustee

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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

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24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

26 Gregory L. Wilde, Esq.

Attorney for Secured Creditor